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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8569 OF 2007

Mahanagar Telephone Nigam Ltd. ... Petitioner

V/s

Dy. Municipal Commissiosner,
Navi Mumbai & anr. ... Respondents

Ms. S.I.Shah i/by M/s.S.I.Shah & Co. for the petitioner.

Mr. A.A.Garge for respondent Nos. 1 and 2.

CORAM: J.N. PATEL &
SMT. NISHITA MHATRE, JJ.

DATED: 27TH NOVEMBER, 2007.

P.C.:

1. The petitioner is challenging the demand notices issued by the respondent Municipal Corporation in its jurisdiction. The learned counsel appearing for the Corporation has drawn our attention to the fact that the petitioner has alternative remedy for preferring an appeal under Section 406 of the Bombay Provincial Municipal Corporation Act, 1949. Our attention is drawn to such order being passed by the Division Bench of this court in the case of **Wartsila India Ltd. v/s Navi Mumbai Municipal Corporation & anr. in Writ Petition No.5481 of 2003 on 19.9.2003.** In view of this, we permit the petitioners to withdraw the petition and seek

alternative remedy.

2. In case the petitioner prefers an appeal within two weeks, the appellate authority would entertain the appeal though it may be beyond the statutory period of limitation as provided under Section 406 of the Bombay Provincial Municipal Corporation Act, 1949, on the petitioner making an application for condonation of delay which may be considered sympathetically in accordance with the law.

(J.N.PATEL, J.)

(SMT.NISHITA MHATRE, J.)